

**Town of Clarence
Municipal Review Committee
Meeting Minutes of March 20, 2006**

Attendance:

Matt Balling, MRC Chairman	Paul Shear, MRC Member
John Moulin, MRC Member	Lisa Bertino-Beaser, MRC Member
Albert Schultz, MRC Member	Richard McNamara, MRC Member
Jim Callahan, Director of Community Development	
Jeffrey Grenzebach, Planning Board Member	

Other interested parties:

Phil Silvestri	Peter Casilio
Don Wolf	Arthur Fuerst
Mike Patterson	

Agenda Item #1 - Approval of Minutes

ACTION: Motion made by Matt Balling, seconded by Paul Shear to APPROVE the minutes from the February 27, 2006 meeting with the following amendment:

- John Moulin's name has been deleted from the minutes as he was not present at the meeting.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #2 - Communications:

The Planning Board has invited the Municipal Review Committee to discuss the Land Use Training. The discussion will be held on March 29, 2006 in the Planning and Zoning Conference Room.

Agenda Item #3 - Unfinished Business:

Agenda Item #3.a. – Stage and Schurr Subdivision

This is a Type I action and is in the process of being reviewed. The applicant has asked that the Municipal Review Committee table the item to allow the applicant to complete the Phase II of the archeological study in more appropriate weather.

ACTION: Motion by Matthew Balling, seconded by John Moulin, to TABLE Item #3.a. to allow the applicant enough time to complete the archeological study.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #3.b. – Arthur Fuerst, 9450 Main Street Coffee Shop

Phil Silvestri of Silvestri Architects, Don Wolf, Senior Traffic Engineer of Watts Engineers, Peter Casilio of PAT Construction Management and Arthur Fuerst, owner of the property, are all present.

Phil Silvestri addresses the Committee and advises Don Wolf is prepared to answer any questions regarding the vehicle and/or pedestrian traffic issues.

Three potentially large impacts were identified at the previous Municipal Review Committee meeting, they are as follows:

1. Traffic.
2. Removal of the Tree Canopy.
3. Pedestrian Safety.

It was suggested that the applicant revise and provide further information in order for the Municipal Review Committee to recommend a Positive Declaration.

Don Wolf said that the plan shows a sidewalk connecting the existing sidewalk. Mr. Wolf advises against providing crosswalks unless there is a stop sign or a signal at the same area. A crosswalk with no stop sign or signal may give the pedestrian a false sense of safety.

Mr. Wolf monitored the morning and evening traffic. The source that Mr. Wolf used for the traffic study is the ITE Handbook. When this type of business was referenced in the source it showed approximately eighty (80) cars an hour. Mr. Wolf, arbitrarily, boosted this number to one hundred twenty (120) due to the peak hours in the morning. Approximately twenty five percent (25%) of the traffic comes down Goodrich Road, approximately twenty five percent (25%) goes out Main Street and fifty percent (50%) comes in from Main Street.

Mr. Wolf recommends a “No Left Turn” at the site. Most of the people who are going to Buffalo will not have an impact on Goodrich Road or Main Street. The traffic that will have an impact is the traffic with cars that normally stay in Clarence. Mr. Wolf ran a “Level of Service” test and one of the turns involved in the study came out with a level “A” service, this indicates no problems. There are two other turns at the site that were not rated as high. Mr. Wolf thinks that because this is a higher end coffee shop it will not generate large numbers of traffic. He thinks there will be two (2) to three (3) cars for every signal change.

Matt Balling points out that this site is next to a high school; therefore, this area will have a very large number of novice drivers. The information that was just provided on the traffic is not really a traffic study, the Municipal Review Committee asked for something in writing. The issue of the queue on Goodrich Road stacking up and blocking the driveway still exists. The driveway location continues to be a problem.

Mr. Wolf will follow up with the traffic study in writing.

Peter Casilio indicates that the applicant received a variance for the setback of the driveway off Goodrich Road, this is the entrance way. Mr. Casilio feels this project is fully compliant. Matt Balling states the variance is for lot frontage, this has nothing to do with the design of the driveway access. According to the Zoning Board of Appeals the use of the lot is acceptable based upon the pre-existing nature of the lot.

Peter Casilio voices his concern regarding the driveway entrance on Goodrich Road; it will not help this project if the driveway is moved north, nor will it help if the driveway is completely removed.

Matt Balling states that currently this intersection, at peak hour, has too much traffic backing up. He has observed this first-hand, as he drives through it every morning. Peter Casilio disagrees. Mr. Casilio explains that the applicant has hired a traffic engineer to study the traffic and come up with a report.

Mr. Wolf has calculated some preliminary numbers for the traffic study. The numbers are well within the acceptable limits; they do not change the functioning or level of service at the intersection. There will be some modest congestion but not beyond a minute or so.

There are sidewalks around the parking areas and if the sidewalk is connected from Main Street, Mr. Wolf thinks this will provide for the pedestrians.

Mike Patterson asks if a written traffic study will be completed. This would be very helpful to the Municipal Review Committee as they make their decisions. Mr. Patterson refers to the traffic on Goodrich Road and asks if there will be a "right turn only" lane. Matt Balling states that according to the plan any type of turn can be made. Mr. Patterson asks if the New York State Department of Transportation (NYS DOT) had a chance to look at the traffic study. Matt Balling advises the TEQR Committee has not received comments back from the NYS DOT.

The timing that New York State has on the signals now is thirty (30) seconds on Goodrich Road, when this light turns red, there is a fifteen (15) second advance eastbound. There is a total of sixty (60) seconds on Main Street.

Out of one hundred twenty (120) vehicles there will be forty eight (48) exiting on to Goodrich Road; there will be fourteen (14) left hand turns.

It appears that the key issue is the traffic that results from vehicles making a left hand turn to go north on Goodrich Road.

In regards to the traffic study, Peter Casilio asks the committee to address any special request(s) they have to Don Wolf.

The applicant would like to address the tree canopy and landscaping issues with the submission of the final development plan.

Based on the observations that were recorded last month in the completion of the Part II, Matt Balling suggests those comments be drafted in a form of a Part III and it be forwarded to the Town Board with a recommendation for a Positive Declaration. The scope of the Environmental Assessment Form (EAF) shall address the three concerns.

ACTION: Motion by Matt Balling, seconded by John Moulin, to forward the proposal with a Part III with a Positive Declaration.

ON THE QUESTION:

The Municipal Review Committee would not see the detailed traffic study at this point; it will be a forwarded as part of the Environmental Impact Study-Part III.

VOTING:	Matt Balling	Aye	Paul Shear	Nay
	John Moulin	Aye	Richard McNamara	Nay
	Albert Schultz	Nay	Lisa Bertino-Beaser	Nay

MOTION DENIED.

Paul Shear states that the primary concern is traffic flow and traffic study. In Mr. Shear's opinion it is not the presence or the absence of a Starbuck's on this corner that will increase or decrease the amount of traffic as generated at that intersection. Whatever the current traffic flow is and what percentage of those people are going to chose to turn in to the site is the issue. Mr. Shear would like to see a legitimate traffic study done supporting information and documentation to advise this is the way the traffic will flow given the information available. Once this information is received and reviewed, it would then be appropriate to decide whether or not to move forward. Lisa Bertino-Beaser voices her agreement to review a traffic study prior to taking any action.

Mr. Wolf states that the traffic clears, with time to spare, every thirty (30) seconds when the light changes. There will be sixty two (62) vehicles making a left on to Goodrich Road per hour.

ACTION: Motion by Paul Shear, seconded by Albert Schultz, to TABLE Item #3.b. pending the completion and review of the traffic study.

VOTING: Ayes: ALL
 Nays: NONE

MOTION PASSED.

To avoid further delay, Paul Shear suggests the traffic report be submitted to the Municipal Review Committee as soon as possible to allow the members to review the results and bring their questions to the next meeting.

Peter Casilio asks if the Municipal Review Committee is mandating a report from a landscape architect. Matt Balling advises it was a part of the conclusion from the previous meeting. The committee needed to see if the new site plan would incorporate some of the existing trees; the trees that are salvageable. The existing trees are located on the site plan. Mr. Casilio does not think a landscape consultant is needed to answer the question of what trees will be saved and how they will be preserved. Paul Shear recalls that there are approximately six (6) to nine (9) significant trees that are salvageable at the site. The concern of the Committee is the possibility of saving and/or incorporating some portion of the mature trees at the site.

The Municipal Review Committee requests photos of the trees that are being saved at the site.

Agenda Item #3.c. – Roll Road Industrial Business Park, 8540 Roll Road

The coordinated review commenced on March 8, 2006. It is a thirty (30) day coordinated review and it has only been twelve (12) days. Paul Shear asks if the applicant is required to provide any further information to the Municipal Review Committee while they are waiting for the thirty (30) day comment period to lapse. Jim Callahan advises nothing further can be done until the Department of Environmental Conservation provides commentary. The traffic follows an extension of Harris Hill Road.

This project shows a desire to have a connection with the Peanut Line bike path south. This needs to be recognized as a transportation issue not a recreational issue. The Planning Board discussed this with the applicant and he agreed to incorporate a bike path in the design. The potential is present for a bike path to go through the Bristol Village and extend to the north side of this property to continue the path through the project site. This would make a trail from the Peanut Line to Roll Road.

ACTION: Motion by Richard McNamara, seconded by Lisa Bertino-Beaser, to TABLE Item #3.c. to allow the thirty (30) day comment period for the coordinated review to lapse.

VOTING: Ayes: ALL
 Nays: NONE

MOTION PASSED.

Agenda Item #4 – New Business

Agenda Item #4.a. – Christopher Carollo, 8710 Clarence Center Road Demolition

This is a Type I Action as identified under SEQRA. Paul Shear asks if a control burn can be done. Matt Balling suggests completing an Environmental Assessment Form (EAF) – Part II on this property.

The frontage on the lot is 272'. The lot is in Sewer District #5, however, it is unknown if there is capacity.

The committee discusses the Environmental Assessment Form (EAF). The proposed action will result in a physical change to the project site. The remaining questions on the Environmental Assessment Form (EAF) are answered “No.”

ACTION: Motion by Matt Balling, seconded by John Moulin, to forward Part II of the Environmental Assessment Form (EAF) to the Town Board and RECOMMEND issuance of a Negative Declaration. This action is based on the findings of the Environmental Assessment Form (EAF) Part II.

VOTING: Ayes: ALL
 Nays NONE

MOTION PASSED.

Agenda Item #5 – Miscellaneous

Agenda Item #5.a. – Residential Building Cap-SEQRA on Recommendation

The Town Board has reviewed the recommendation and is considering the change to the comprehensive plan in full. The Town Board wants the Municipal Review Committee to steer the environmental review of the recommendation. This would be a Type I Action because it is an amendment to the Master Plan. Any amendment under the Master Plan requires action under SEQRA.

Albert Schultz advises the committee of the comments from a Town Board meeting. Building trades and lawsuits were discussed, the Town clarified that there has been no money lost. Two citizens wanted “zero” building permits. It is clear that the citizens want fewer building permits and the construction companies want more.

ACTION: Motion by Matt Balling, seconded by Lisa Bertino-Beaser, to solicit Lead Agency Status. Part I and certain parts of the letter that was drafted by the Municipal Review Committee and sent to the Town Board will be mailed. As part of the coordinated review, all agencies infrastructures are to be identified; this includes contacting the school board, Erie County, Sewage Management, Department of Transportation, Erie County Highway and the Water Authority.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #5.b. – Adequate Public Facilities Local Law/Amendments to Master Plan 2015

A time table has been put together in regards to completing the last steps in evaluating particular infrastructures. The first item to be reviewed is the Sewer Capital Improvement Program; this will be done in August 2006. The school program will also be reviewed in August 2006. The Municipal Review Committee can not take any action on this item until the Town Board takes a definitive step in creating this law. The Adequate Public Facilities Local Law is based on capital planning.

The Adequate Public Facilities Local Law will be placed on the Municipal Review Committee agenda as progression is made.

ACTION: Motion by John Moulin, seconded by Matt Balling, to TABLE Agenda Item #5.b. pending further information.

VOTING: Ayes: ALL
Nays: NONE

MOTION PASSED.

Agenda Item #5.C. – Land Use Training

Matt Balling, Lisa Bertino-Beaser and Albert Schultz have completed the training. The deadline is July 2006. On March 29, 2006 there will be a meeting in the Planning/Zoning Conference Room to discuss the training

Agenda Item #6 – Establish next meeting date

Matt Balling states the next meeting date is Monday April 17, 2006.

Meeting adjourned at 8:20 p.m.

Matt Balling, Chairman